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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Sorrells *et al.*

Appl. No. 09/476,092

Filed: January 3, 2000

For: **Analog Zero IF FM Decoder and
Embodiments Thereof, Such as
the Family Radio Service**

Confirmation No.: 7304

Art Unit: 2686

Examiner: Mehrpour, Naghmeh

Atty. Docket: 1744.0250001

Fifth Supplemental Information Disclosure Statement

Commissioner for Patents
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Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Fifth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Fourth Supplemental Information Disclosure Statement filed on September 3, 2003, in connection with the above-captioned application.

In addition to providing hard copies of the documents as required by applicable rules, Applicants herewith provide a Compact Disc labeled "Disc 3" having stored thereon searchable electronic copies (in PDF format) of the documents. More specifically, the CD contains electronic copies of documents AC54-AI54, AA55-AI55, AA56-AH56, AL23, AN59, and AO59. In addition, the CD contains electronic copies of documents AC46-AI46, AA47-AI47, AA48-AI48, AA49-AE49, AH49, AI49, AA50-AI50, AA51-AC51, AG51-AI51, AA52-AI52, AA53-AI53,

AA54, AB54, AM13, AJ14-AM14, AJ15-AM15, AJ16-AM16, AJ17-AM17, AJ18-AM18, AJ19-AM19, AJ20-AM20, AJ21-AM21, AJ22-AM22, AJ23, AK23, AQ51, AR51, AN52-AR52, AN53-AR53, AN54-AR54, AN55-AR55, AN56-AR56, AN57-AR57, and AN58-AR58, which were all cited in previous Information Disclosure Statements. The file names on the CD correspond to the identifiers on the PTO-1449s. It is noted that the CD is being provided in addition to hard copies of the documents (as required by applicable rules) for the convenience of the Examiner.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

Applicants provide the following comments regarding the documents:

Documents AC54 and AD54 were cited in an Office Action in related U.S. Patent Application No. 09/550,642, filed April 14, 2000, entitled "Method and System for Down-converting an Electromagnetic Signal, and Transforms for Same," directed to related subject matter.

Documents AE54, AD55, AA56, AB56, AG56, and AH56 are co-owned patents which are directed to related subject matter.

Documents AF54-AI54 and AA55 were cited in an Office Action in related U.S. Patent Application No. 09/548,923, filed April 13, 2000, entitled "Method and

System for Frequency Conversion with Modulation Embodiments," directed to related subject matter. Also cited in the Office Action were U.S. Patent Nos. 6,091,940 and 6,353,735, which have already been cited in the present application in the Supplemental Information Disclosure Statement, filed June 4, 2002.

Documents AB55 and AC55 were cited in an Office Action in related U.S. Patent Application No. 09/543,867, filed April 5, 2000, entitled "Automated Meter Reader Applications of Universal Frequency Translation," directed to related subject matter.

Documents AE55 and AF55 were cited in an Office Action in related U.S. Patent Application No. 10/317,181, filed December 12, 2002, entitled "Differential Frequency Down-Conversion Using Techniques of Universal Frequency Translation Technology," directed to related subject matter.

Documents AG55 and AH55 were cited in an Office Action in related U.S. Patent Application No. 10/317,165, filed December 12, 2002, entitled "Method and Apparatus for Reducing DC Offsets in Communication Systems Using Universal Frequency Translation Technology," directed to related subject matter.

Documents AI55, AC56 and AN59 were cited in Office Actions in related U.S. Patent Appl. No. 09/567,977, filed May 10, 2000, entitled, "Optical Down-converter Using Universal Frequency Translation Technology," directed to related subject matter.

Documents AD56-AF56, AL23, and AO59 were cited in an Office Action in related U.S. Patent Appl. No. 09/669,634, filed September 26, 2000, entitled "High Frequency Translator and Method of High Frequency Translation," directed to related subject matter. Also cited in said Office Action were U.S. Patent Nos. 6,049,706;

6,421,534; and 6,560,301, which have already been cited in the present application in previous Information Disclosure Statements.

Document AL23 (DE 196 48 915 A1) appears to describe a process of frequency conversion. An English-language translation of document AL23 is enclosed as document AO59.

The other documents in the PTO-1449 do not fall within the above categories.

It is noted that some of these documents could be classified in more than one of the above categories.

This statement should not be construed as a representation that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.
- 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing

date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

- a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- c. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p).

4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

- a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
- 6. A concise explanation of the relevance of the non-English language documents appears below:

Document AK23 (JP 9-36664) appears to describe a frequency conversion circuit. A copy of the English-language abstract of document AK23 is enclosed as document AR58.

Document AL23 (DE 196 48 915 A1) appears to describe a process of frequency conversion. An English-language translation of document AL23 is enclosed as document AO59.
- 7. Copies of the documents were cited by or submitted to the Patent Office in Information Disclosure Statements that comply with 37 C.F.R. § 1.98(a)-(c) in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

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